

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTWAUN FREEMAN,
Plaintiff,

v.

WARDEN WILLIAMS, et al.
Defendants.

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CIVIL ACTION NO. 23-CV-2655

ORDER

AND NOW, this 16th day of August, 2023, upon consideration of Plaintiff Antwaun Freeman's Amended Complaint (ECF No. 7), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to **TERMINATE** the two John Doe Defendants from the docket because these individuals were not included as Defendants in the Amended Complaint.

2. For the reasons stated in the Court's accompanying Memorandum, the following claims are **DISMISSED** for failure to state a claim:

a. All claims against Defendants Warden Williams, Chief Leech, and Sgt. Jenkins. The Clerk of Court is **DIRECTED** to **TERMINATE** Warden Williams, Chief Leech, and Sgt. Jenkins from the docket because all of the claims against them have been dismissed.

b. The claims for deliberate indifference to serious medical needs against Defendants Lt. Moore and Sgt. Jones.

3. The remaining failure to protect claims in this case shall proceed at this time to service by the U.S. Marshal Service, in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3), against the following Defendants:

a. Sgt. Jones

b. Lt. Moore

4. In anticipation of service by the U.S. Marshal Service, the Clerk of Court is **DIRECTED** to send a copy of this Order to Freeman together with one copy of the U.S. Marshal Service of Process Receipt and Return Form USM-285 (“USM-285 Form”) for each Defendant listed in paragraph three (3) of this Order.¹ The Clerk of Court is further **DIRECTED** to note the mailing on the docket.

5. To proceed with service, Freeman must complete a USM-285 Form for each Defendant listed in paragraph three (3) and return the completed form(s) to the Clerk’s Office within **twenty-one (21) days** of the date of this Order. Service cannot be made by the U.S. Marshal Service until Freeman completes and returns these forms.

6. In completing the USM-285 Form(s), Freeman is instructed as follows:

- a. Freeman should complete a separate USM-285 Form for each Defendant listed in paragraph three (3) of this Order. Only one Defendant’s name should appear on each USM-285 Form.
- b. Freeman shall not complete a USM-285 Form for any individual or entity that is not listed as a Defendant in paragraph three (3) of this Order, including but not limited to any Defendant who already has been dismissed from this case.
- c. Freeman should include as much identifying information as possible for each Defendant, including the Defendant’s first name, last name, and, where relevant, the Defendant’s badge number.
- d. Freeman must provide each Defendant’s complete address at a location where that Defendant can be served. The U.S. Marshals Service cannot serve a

¹ This form is available online at https://www.usmarshals.gov/sites/default/files/media/document/usm-285_process-receipt.pdf.

Defendant at a P.O. Box address. It is Freeman's responsibility, and not the duty of the Court, the Clerk's Office, or the Marshals Service, to ascertain the addresses of the Defendants. *See, e.g., Meade v. Reynolds*, 810 F. App'x 86, 88 (3d Cir. 2020) (*per curiam*) ("[T]he plaintiff must provide the district court with sufficient information to enable the Marshals Service to effectuate service of process." (citing *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993)); *Harris v. McMullen*, 609 F. App'x 704, 707 (3d Cir. 2015) (*per curiam*) ("Harris has not pointed to any authority instructing that a District Court or the USMS must engage in extraordinary measures to assist an [*in forma pauperis*] litigant in locating a defendant's address for the purpose of service of process, and we are not aware of any.")).

- e. Failure to include a proper address may result in the Defendant not being served and/or the dismissal of Freeman's claims against any such Defendant.

7. Freeman is cautioned that failure to return the completed USM-285 Form(s) in accordance with the above instructions may result in dismissal of this case for failure to prosecute without further notice from the Court.

8. The Clerk of Court is **DIRECTED** to docket any USM-285 Forms that Freeman returns in this case.

9. The Clerk of Court is **DIRECTED** not to issue summonses at this time. The Court will direct issuance of summonses upon receipt of properly completed USM-285 Forms.

BY THE COURT:

/s/ Juan R. Sánchez

JUAN R. SÁNCHEZ, C.J.